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State To Appeal Campaign Finance Law Ruling

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Connecticut elections officials reacted with sharp criticism and promised an all-out legal fight Friday after a federal judge threw out the state's landmark campaign finance law, saying it puts minor-party office seekers at an unconstitutional disadvantage when they challenge traditionally better-financed major-party candidates.

U.S. District Judge Stefan R. Underhill said the state's cutting-edge campaign finance reforms, known as the 2005 Citizens' Election Program, were built on good intentions and inspired by "a regrettable legacy of corruption that has pervaded all levels of elected office in recent decades."

But he said the reform law, the product of months of legislative effort, "imposes an unconstitutional, discriminatory burden" on minor-party candidates. That burden is created, he said, because the reforms enhance the ability of Republicans and Democrats to raise money without imposing spending limits on major-party candidates who take advantage of public financing.

Specifically, Underhill said:

- The reforms provide funding to participating candidates at levels "well beyond" historic spending levels. Those funding levels amount to "an impermissible subsidy" for major party candidates rather than a substitute for traditional sources of funding.
- The new public financing scheme "artificially enhances" the political strength of many major-party legislative candidates by ignoring actual support for those candidates in their districts. By doing so, it permits any major-party candidate to qualify for full public financing without the demonstration of support that minor-party candidates must show before becoming eligible for full financing.
- The qualifying criteria for minor-party candidates are so difficult to achieve that most will never become eligible for even reduced levels of public financing.
- The procedures enacted for distribution of public financing could tend to discourage minor-party candidates from even trying to participate. That is because the law triggers release of additional money to major-party candidates when their minor-party challengers achieve even minimal fund-raising milestones.

The Green Party of Connecticut, which brought the suit upon which Underhill's decision is based, praised the opinion.

"It is a very important victory," said David McGuire, a Connecticut ACLU lawyer who represented the Green Party. "It is a victory for free speech and a victory for all political candidates. It really does level the playing field now."

But the opinion was greeted by strong, if respectful, condemnation by state political figures of all major party stripes.

"My office will appeal and seek an immediate stay of this decision, which misapplies Constitutional doctrine to strike down our state's campaign finance reform system," said Attorney General Richard Blumenthal. "This decision is only one ruling by one lower-court judge, but it could create significant legal obstacles to campaign finance reform efforts here and around the country. It deserves and needs review by an appellate court."

Blumenthal said he will appear in Bridgeport before Underhill next week to seek an immediate stay of the order, a measure that would indefinitely postpone the order from taking effect. If Underhill denies a stay, Blumenthal said he will apply to the 2nd U.S. Circuit Court of Appeals. In any event, Blumenthal, a Democrat, said he will ask the appellate court to reverse Underhill.

Gov. M. Jodi Rell, another supporter of the campaign reforms, was equally critical. When the legislature adjourned without passing reforms in the spring of 2005, she pushed the leadership to create a blue ribbon panel to craft a bill. That fall, she convened a special legislative session, which passed the law in November.

"Connecticut's Campaign Finance Reform Act is a model in the nation," said Rell, a Republican. "I will do everything possible to keep this program intact and will support an immediate appeal of the decision. I cannot, and will not, let Connecticut return to the days of unfettered special interests controlling our electoral process. If necessary, we can amend the law to address the concerns of minor parties."

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